

DSS:JS/SA/JL/GP  
F.#2008R00241/NY-NYE-525


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK


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UNITED STATES OF AMERICA

S U P E R S E D I N G  
I N D I C T M E N T

- against -

  
SERGIO ALEJO,  
also known as "Viejo,"  
WENDELL ALOMAR-CABRERA,  
also known as "Gregorio,"

  
GABRIEL PABON,  
also known as "Jose,"

Defendants.



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THE GRAND JURY CHARGES:

Cr. No. 08-0115(S-4) (NGG)  
(T. 21, U.S.C., §§  
841(a)(1),  
841(b)(1)(A)(i),  
841(b)(1)(A)(ii)(II),  
841(b)(1)(D)  
and 846; T. 18, U.S.C., §§  
924(c)(1)(A)(i),  
924(c)(1)(A)(ii),  
924(c)(1)(A)(iii),  
924(c)(1)(C),  
924(j)(1), 1201(a)(1),  
1201(c), 1951(a), 2 and  
3551 et seq.)

COUNT ONE

(Conspiracy to Kidnap Luis Sifuentes)

1. In or about October 2006, within the Eastern District of New York, the Middle District of North Carolina and elsewhere, the defendants , SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio,"  and GABRIEL PABON, also known as "Jose," together with others, did knowingly and intentionally conspire to unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away and hold for ransom and reward a person, to wit: Luis Sifuentes, and to travel in interstate commerce and use a means, facility and instrumentality of interstate commerce, to wit: a cellular

telephone, in committing and in furtherance of the commission of the offense.

2. In furtherance of the conspiracy and to effect its objectives, the defendants [REDACTED], SERGIO ALEJO, WENDELL ALOMAR-CABRERA, [REDACTED], and GABRIEL PABON, together with others, knowingly committed and caused to be committed, among others, the following overt acts:

a. In or about October 2006, one or more defendants traveled from Queens, New York to Durham, North Carolina for the purpose of kidnaping and robbing drug traffickers.

b. On or about October 16, 2006, the defendants [REDACTED], SERGIO ALEJO, WENDELL ALOMAR-CABRERA, [REDACTED], and GABRIEL PABON, together with others, restrained Luis Sifuentes inside a house located in the Middle District of North Carolina.

(Title 18, United States Code, Sections 1201(c) and 3551 et seq.)

COUNT TWO

(Kidnapping Resulting in the Death of Luis Sifuentes)

3. On or about October 16, 2006, within the Eastern District of New York, the Middle District of North Carolina and elsewhere, the defendants [REDACTED], SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," [REDACTED]

and GABRIEL PABON, also known as "Jose," together with others, did knowingly, intentionally and unlawfully seize, confine, inveigle, decoy, kidnap, abduct and carry away and hold for ransom and reward a person, to wit: Luis Sifuentes, and did travel in interstate commerce and use a means, facility and instrumentality of interstate commerce, to wit: a cellular telephone, in committing and in furtherance of the commission of the offense, and the death of Luis Sifuentes did result.

(Title 18, United States Code, Sections 1201(a)(1), 2 and 3551 et seq.)

COUNT THREE

(Unlawful Use of a Firearm)

4. On or about October 16, 2006, within the Middle District of North Carolina, the Eastern District of New York and elsewhere, the defendants [REDACTED], SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," [REDACTED] and GABRIEL PABON, also known as "Jose," together with others, did knowingly and intentionally use and carry a firearm during and in relation to one or more crimes of violence, to wit: the crimes charged in Counts One and Two, and did knowingly and

intentionally possess a firearm in furtherance of said crimes of violence, which firearm was brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 2 and 3551 et seq.)

COUNT FOUR

(Firearm Related Murder of Luis Sifuentes)

5. On or about October 16, 2006 within the Eastern District of New York, the Middle District of North Carolina and elsewhere, the defendants [REDACTED], SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," [REDACTED] and GABRIEL PABON, also known as "Jose," together with others, in the course of a violation of Title 18, United States Code, Section 924(c), to wit: the crime charged in Count Three, did knowingly and intentionally cause the death of a person through the use of a firearm, which killing was a murder as defined by Title 18, United States Code, Section 1111(a), in that the defendants, together with others, with malice aforethought, did unlawfully kill, and cause the killing of, Luis Sifuentes in the perpetration and attempted perpetration of a kidnapping and robbery.

(Title 18, United States Code, Sections 924(j)(1), 2 and 3551 et seq.)

COUNT FIVE

(Hobbs Act Robbery Conspiracy)

6. In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED], SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," [REDACTED] and GABRIEL PABON, also known as "Jose," together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by the robbery of narcotics traffickers in New York, North Carolina, Pennsylvania, Georgia, and elsewhere.

(Title 18, United States Code, Sections 1951(a) and 3551 et seq.)

COUNT SIX

(Attempted Hobbs Act Robbery of Luis Sifuentes)

7. On or about October 16, 2006, within the Middle District of North Carolina and elsewhere, the defendants [REDACTED], SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," [REDACTED] and GABRIEL PABON, also known as "Jose," together with others, did knowingly and intentionally attempt to obstruct, delay and affect commerce and the movement

of articles and commodities in commerce by the robbery of Luis Sifuentes for narcotics and narcotics proceeds.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

COUNT SEVEN  
(Conspiracy to Distribute Narcotics)

8. In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED], [REDACTED], SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," [REDACTED] and GABRIEL PABON, also known as "Jose," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute one or more controlled substances, which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, (b) one kilogram or more of a substance containing heroin, a Schedule I controlled substance, and (c) a substance containing marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846, 841(b)(1)(A)(i), 841(b)(1)(A)(ii)(II) and 841(b)(1)(D); Title 18, United States Code, Sections 3551 et seq.)

COUNT EIGHT

(Distribution of Narcotics)

9. In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED], SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," [REDACTED] and GABRIEL PABON, also known as "Jose," together with others, did knowingly and intentionally distribute and possess with intent to distribute one or more controlled substances which offense involved: (a) five kilograms or more of a substance containing cocaine, a Schedule II controlled substance, (b) one kilogram or more of a substance containing heroin, a Schedule I controlled substance, and (c) a substance containing marijuana, a Schedule I controlled substance.

(Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(i), 841(b)(1)(A)(ii)(II) and 841(b)(1)(D); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT NINE

(Unlawful Use of a Firearm)

10. In or about and between May 2003 and August 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants [REDACTED], SERGIO ALEJO, also known as "Viejo," WENDELL ALOMAR-CABRERA, also known as "Gregorio," [REDACTED]

████████████████████ and GABRIEL PABON, also known as "Jose," together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to one or more crimes of violence and drug trafficking crimes, to wit: the crimes charged in Counts Five, Six, Seven and Eight and did knowingly and intentionally possess one or more firearms in furtherance of said crimes of violence and drug trafficking crimes, which firearms were brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 924(c)(1)(A)(iii), 924(c)(1)(C), 2 and 3551 et seq.)

A TRUE BILL

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FOREPERSON

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LORETTA E. LYNCH  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK